

EXHIBIT “A”

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

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VASILAKIS PANAYIOTO, on behalf of himself :
and other Employees similarly situated, :

Plaintiff, :

-v- :

DANICA GROUP, LLC, DANICA PLUMBING :
& HEATING, LLC, DANICA PLUMBING & :
HEATING CORP., COPPER HEATING & :
PLUMBING, LLC, COPPER II HEATING & :
PLUMBING, LLC; COPPER III HEATING & :
PLUMBING, LLC, COPPER IV HEATING & :
PLUMBING, LLC, STELLAR MECHANICAL :
SERVICES OF NEW YORK, INC., STELLAR :
MECHANICAL SERVICES OF N.Y., LLC, II, :
STELLAR MECHANICAL CORP., JOHN DOE :
1-10 (fictitiously named public or private :
corporations and/or individuals), :

Defendants. :

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Docket No. 13-CV-3111 (FB)(VMS)

FINAL ORDER
APPROVING SETTLEMENT

WHEREAS, the Parties have made an application, pursuant to Rule 23(e) Fed. R. Civ. P. and 29 U.S.C. §216(b), for an order approving settlement in the above-entitled action (the “Lawsuit”) of the claims alleged, in accordance with a Settlement Agreement (the “Agreement”), which sets forth the terms and conditions for the settlement of the Lawsuit against Defendants and for dismissal of the Lawsuit against Defendants with prejudice upon the terms and conditions set forth therein, and the Court has read and considered the Agreement and the Affirmation of Ron Tobia dated February 27, 2017, and exhibits attached thereto:

WHEREAS, on November 15, 2016, this Court issued an order, filed and entered with the Clerk’s Office on November 16, 2016, preliminarily approving the proposed settlement agreement and providing for notice of the settlement to the Class. Based on its preliminary

review, this Court found that the settlement was fair, just, reasonable, and in the best interest of the Named Plaintiffs and the Class, as defined in the proposed Agreement. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, this Court also scheduled a Fairness Hearing to further discuss the terms of the settlement and to provide an opportunity for any objections to be heard.

WHEREAS, counsel for Plaintiffs, as Class Counsel, confirmed by declaration that Class Notice mailing complied with the Court's Implementing Order and a list of Class Members complied.

WHEREAS, no one has appeared at the Fairness Hearing, scheduled for March 2, 2017, to voice an objection or otherwise be heard to contest the settlement.

WHEREAS, the Court is satisfied that the proposed settlement in this action meets both the procedural and substantive fairness.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. This Court has jurisdiction over the subject matter of the Lawsuit, and over all parties to the Lawsuit, including all Class Members.
2. For purposes of this Order, all terms not otherwise defined herein shall have the same meanings set forth in the Agreement.
3. The settlement set forth in the Agreement is approved and the settlement is, in all respects, fair, reasonable, adequate and in the best interests of the Named Plaintiffs and the Class, in accordance with Rule 23(e) of the Federal Rules of Civil Procedure.
4. All terms and provisions of the Agreement shall be implemented.
5. Class Members who have not properly and timely exercised their opt-out rights in the Lawsuit are conclusively deemed to have released or discharged Defendants from,

and are permanently enjoined and barred from asserting, either directly or indirectly, against Defendants, any and all claims released in the Agreement. All such matters are hereby finally concluded, terminated and extinguished.

6. The settlement of all claims brought under the Fair Labor Standards Act, 29 U.S.C. §201 et seq. is approved. The settlement reflects a reasonable compromise over contested issues involving a bona fide dispute.

7. The Notice distributed to Class Members fully and accurately informed the Class of the proposed settlement, was the best notice practicable under the circumstances, and constituted valid, due and sufficient notice to all Class Members complying fully with Rule 23 of the Federal Rules of Civil Procedure and the United States Constitution.

8. The Settlement fund is to be distributed to the Class Members, pursuant to the Agreement, including the service awards to the Named Plaintiffs, professional costs and fees, and to satisfy the employer obligations to pay any and all employer taxes and withholdings on the settlement amount, as required by federal, state and local law, all in accordance with the terms of the Agreement to those individuals identified on the annexed Exhibit "A."

9. All FLSA Class Claimants shall be required to sign a Claim Form and Release as a condition of receiving his or her settlement allocation.

10. Without affecting the finality of this Order in any way, this Court hereby retains jurisdiction over consummation and performance of the Agreement.

11. That the Clerk of the Court is directed to close case 13-CV-3111 on March 1, 2017.

SO ORDERED THIS _____ DAY OF MARCH 2017.

Honorable Frederic Block, U.S.D.J.